

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

Bethany R. Scaer and Stephen Scaer

v.

City of Nashua, et al.

Case # 1:24-cv-00277-LM-TSM

EXHIBITS

**OFFERED BY:
Defendant**

NUMBER/LETTER	DESCRIPTION
1 (ID)	City Hall Flagpole Policy dated October 7, 2024
2 (ID)	June 14, 2024, email from Nick Scalera to Risk Management Dept. titled: Flag Raising Application
3 (ID)	Special Event Application – City Hall Plaza – Request to fly Palestinian Flag dated June 14, 2024
4 (ID)	Letter dated June 24, 2024 from Risk Management to Mr. Scalera – response to request to fly Palestinian Flag: Denied



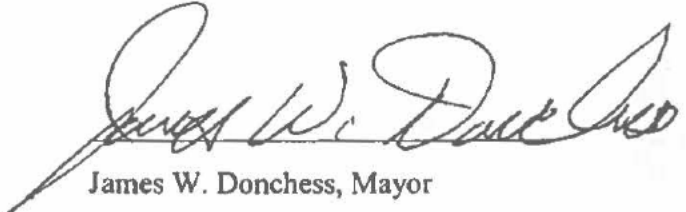
CITY HALL FLAGPOLE POLICY

The flagpoles on city hall grounds shall henceforth be exclusively controlled by city government.

The city shall determine what flags will be flown and during what time periods and does not seek input from other sources. The flagpoles are not public fora open to others for expression but are solely for city government to convey messages it chooses.

All previous policies related to flagpoles on city hall grounds are hereby repealed.

10/7/24
Date


James W. Donchess, Mayor

Grassett, Kimberly



From: Nick Scalera <nwscalera [REDACTED]>
Sent: Friday, June 14, 2024 12:08 PM
To: Risk Management Dept
Subject: Flag Raising Application
Attachments: Flag Raising Application.pdf

Redactions of private email address pursuant
to 91-A:5,IV, confidential information and
disclosure would constitute invasion of privacy

CAUTION: This email came from outside of the organization. Do not click links/open attachments if the source is unknown.

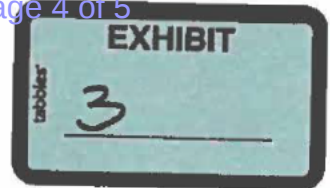
To Whom it May Concern,

Attached is an application to raise a flag at City Hall on June 25th. If there are any questions or concerns please reach out.

Best Regards,
Nicholas Scalera



SPECIAL EVENT APPLICATION City Hall Plaza



☐ Complete the application in its entirety. Submit the application along with any additional requirements at least ten (10) calendar days prior to the event - City of Nashua, Risk Management Department, 229 Main Street, Nashua NH 03061, fax to 603-589-3359 or Risk@NashuaNH.gov.

☐ If applicable, applicant must submit a certificate of insurance naming the City of Nashua as the certificate holder and as an additional insured; reflecting \$1,000,000/\$2,000,000 general liability insurance.

☐ If applicable, contact the Permits Coordinator, 603-589-3276, to obtain a Permit to Encumber. Any applicant that would like to place an obstruction in the City right-of-way (sidewalk abutting the plaza) will need to obtain a Permit to Encumber. This includes signage, materials or participants.

Redactions of private phone number pursuant to 91-A:5, IV, confidential information and disclosure would constitute invasion of privacy

1. Organization: Southern NH for Palestine
2. Address: 2 Paddington Place
3. Contact Name: Nicholas Scaler Contact Number: (603) [REDACTED]
4. Name of Event: Anti-Apartheid Day Flag Raising
5. Requested Date(s) of Event: 6/25/2024 Requested Time(s) of Event: _____

Event Details (Please include approximate number of attendees, whether or not sidewalk will be utilized and additional details that may be pertinent to the event) If your request is to have a flag flown, but with no ceremony, please indicate as such below.

In accordance w/ Anti-Apartheid Day, & in remembrance of the
fight against South African Apartheid, we request the Palestinian
flag be flown. There will be no need for a ceremony.

OBSERVANCE OF LAWS AND ORDINANCES

The undersigned shall faithfully observe, keep and obey all terms and conditions of the permit, laws, rules and ordinances of the City of Nashua. The undersigned shall also faithfully observe, keep and obey all laws, rules and regulations of any other governmental entity including, State and federal regulations which may apply.

INDEMNIFICATION

The undersigned shall have the power to act on behalf of the organization. The undersigned shall save and protect, hold harmless, indemnify and defend the City, its commissions, officers, agents, and employees against any and all liability, causes of action, claims, loss damages or cost and expenses arising from, allegedly arising from, or resulting directly or indirectly from any acts of the applicant or any of its officers, employees, or agents done in the performance or operations of the event, or any act done under pretended authority of this application. This agreement to indemnify and hold the City harmless shall include any costs incurred by the City in defending any action involving an act by the applicant or any of its officers, employees, or agents, and shall include attorney's fees incurred by the City.

I certify that the answers given herein are true and complete to the best of my knowledge, and I have not omitted any information. I further understand the conditions herein. False, misleading, or omitted information in my application form may disqualify the organization from holding this event.

Signature: _____

Date: _____

(For insurance purposes: signed application serves as a contractual obligation in regards to naming the City of Nashua as an additional insured)



City of Nashua
Risk Management Department
229 Main Street - Nashua, NH 03060



June 24, 2024

Mr. Nicholas Scalera
Southern NH for Palestine
2 Paddington Place
Nashua NH 03064-1502

Emailed: nwscalera@gmail.com

RE: FLAG POLE REQUEST

Mr. Scalera:

We have reviewed your application dated June 14, 2024, requesting to fly the Palestinian Flag on a City Plaza flag pole. The flag is not in harmony with the message that the City wishes to express and endorse. Therefore, we must deny your request as the flag poles are not intended to serve as a forum for free expression by the public.

Attached please find our Flag Pole Policy and Special Event Procedures for the City Hall Plaza that can also be found on the Risk Management page of the City website.

If you wish to appeal this decision it may be made to the Mayor's office within three business days of after receiving our decision. The appeal shall be in writing, stating the basis therefore and relief sought. The Mayor's office will review our decision and announce its decision as promptly as possible, but no later than ten business days after receipt of the appeal.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jennifer L. Deshaies", is written over a horizontal line.

Jennifer L. Deshaies
Risk Management

Encl.
SPECIAL EVENT APPLICATION City Hall Plaza
FLAG POLE POLICY
SPECIAL EVENT PROCEDURES City Hall Plaza

Cc: Megan Caron, Chief of Staff
Attorney Steve Bolton, Corporation Counsel
Tim Cummings, Administrative Services Director